

Olin CHEMICALS

120 LONG RIDGE ROAD, STAMFORD, CONNECTICUT 06904

526

August 27, 1986

Philip A. Hunt Corporation

1241

Olin Corp.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory A. Roscoe
U.S. Environmental Protection Agency
P.O. Box 3254
Reston, Virginia 22090

Re: The Cannons Engineering Corporation Site in
Bridgewater, Massachusetts; the Cannons Engineering
Corporation Site in Plymouth, Massachusetts; the
Gilson Road Site in Nashua, New Hampshire; and the
Tinkham Garage Site in Londonderry, New Hampshire

Dear Mr. Roscoe:

On behalf of Olin Hunt Specialty Products, Inc., formerly Philip A. Hunt Chemical Corporation ("Olin Hunt"), the enclosed response is submitted to Environmental Protection Agency ("EPA") in response to EPA's request pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA in connection with the above matter.

The enclosures relate to Olin Hunt's utilization of the Cannons Engineering Corporation's incineration facilities during the May-October, 1979 period. The records search which produced the enclosed documents focused on the period 1977-80. Olin Hunt does not have waste disposal (or other related) records before 1977.

Moreover, Olin Hunt has no records, documents, data or information concerning any waste disposal, at Cannons Engineering facilities, other than by incineration. We, therefore, believe (and herein assert) that Olin Hunt is not responsible or liable, with respect to the above-referenced sites, for undertaking any clean-up activities or restitution for costs and expense incurred by either the United States, the State of New Hampshire or the Commonwealth of Massachusetts.

Furthermore, we reiterate herein a request, previously made to EPA in our correspondence of April 28, April 30 and May 13, 1986, concerning the disclosure and production of all records, documents, data and information in the possession or otherwise under the control of EPA concerning Olin Hunt's alleged use of the captioned sites.



SEMS DocID 640513

O L I N C O R P O R A T I O N

0932

Gregory A. Roscoe
Page 2
August 27, 1986


We also understand EPA has taken the position that any invoice, purchase order, receipt or other similar document evidencing the incineration or burning of waste chemicals is invalid and of no effect. We believe, however, such documentation is valid evidence, in support of incineration, for the period of time to which the enclosed invoices relate. If EPA has any evidence contradicting the foregoing, we expressly request the Agency to produce/disclose such evidence.

Although Olin Hunt has undertaken a diligent and good faith interviewing process and search of its records, we make no representation as to the accuracy or the completeness of that search or the information provided to you today. Moreover, neither the information submitted herewith nor anything contained herein should be construed as an admission by or be binding on Olin Hunt. This response is made with the understanding that it cannot and will not be used in any judicial or administrative proceeding involving Olin Hunt and Olin Hunt reserves all of its rights under State and Federal law to protest the use of this response in any other manner and for any other purpose by EPA or any other State or Federal agency.

Specifically, it is our position that the statutes in question do not provide EPA with a right to documents prior to litigation except insofar as such documents are "for purposes of developing or assisting in the development of any regulation or enforcing the provisions [of RCRA relating to state hazardous waste programs]", or "where necessary to ascertain facts not available at the facility" at which hazardous substances were located under CERCLA. EPA has not complied with the inspection requirements of RCRA by identifying whether the Agency is engaged in developing a regulation for which such information is necessary. Nor has EPA identified the basis for its presumed conclusion that Olin Hunt information or documents are necessary to ascertain facts "not available at the facility". Thus, notwithstanding this response by Olin Hunt today, we specifically reserve the right to protest EPA's authority to require production of documents or information under the statutes in question.

Very truly yours,

OLIN CORPORATION


Allyn Myles Carnam
Corporate Regulatory Counsel

jmm
Enclosures

cc: E. Michael Thomas, Esquire
U.S. Environmental Protection Agency

Greg J. Wilson, Asst. Attorney General
Environmental Protection Division/MA

George D. Bisbee, Assistant Attorney
General/New Hampshire